

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Concerning the Office's rejection based on the "characterized in that" language, applicants have corrected this informality by replacing the phrase with "wherein." Also, the informality in claim 4 wherein it includes a preferred range has been corrected by deleting the range from claim 4 and presenting it in new claim 10.

New claim 9 is presented. It is supported at page 6, line 6 of the specification.

The Office points to no teaching in Reckweg (WO/97/08956) of chemically acidified water-continuous products. Indeed, at page 5, lines 1-3, Reckweg teaches products which are acidified by fermentation by lactic acid producing cultures.

Furthermore, the Office cites no teaching by Reckweg in the direction of the technical problem addressed by the present invention, which is to provide chemically acidified products that are microbiologically stable on storage (see page 3, lines 1-3 of the description of the present case). In addition, the Office points to no teaching by Reckweg of the use of a combination of food grade acids with a small amount of acetic acid.

The Office argues that acidification of water continuous products using acetic acid (vinegar) either alone or in combination with other food acids like citric acid and lactic acid was known in the art, referring to Merchant (US 6,287,625 B). However, the Office points to no teaching by Merchant of water continuous products with a food grade acid and the limited amounts of acetic acid presently recited in claim 1, namely 10 to 500 ppm.

In view of the above, applicants disagree that regarding the relative ratios of the acids it would have been a matter of routine optimization experiment to use or combine Reckweg and Merchant in the range claimed. Therefore, based on the teaching of Reckweg and Merchant applicants submit that the skilled person would never arrive at the subject matter of the present invention. It follows that the claims of the present invention are not obvious in view of the teaching of Reckweg and Merchant.

New claim 9 recites acetic acid in the range of 50-300 ppm. Even less is this range taught by the art relied upon by the Office.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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